W-16-43

THE SOVERAIGNTY of the *BRITISH SEAS.*

Proved

By Records, Hiſtory, and the Municipall Lawes of this KINGDOME.

Written in the yeare 1633.

By that Learned Knight,

Sr JOHN BOROUGHS,

Keeper of the Records in the Tower of *London.*

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648:14

To the Reader.

BE not ſtartled to ſee ſo great a ſubject handled in ſo ſmall a Volume. When you have read but a little of this little, you'll thinke the

Authour

To the Reader.

Authour *was tender of* your *trouble but not of his* own. *For (how cheape ſoever you come by this Book) it coſt the* Author *the peruſall and ſearch of the beſt, and moſt* Records *of our Nation. And yet hee was one that knew well*

e-

enough how to value his time; for none made better use of it; and (in these kinds of Scrutinies) you may beleeve he went the best way, *because hee knew them* all, *and trod them every day; it being his* Office *not to be ignorant of any*

Re-

To the Reader.

Records *that concern'd the* Honour *or* Antiquitie *of this* Island. *It was written at the request of a* great Person, *who desir'd to understand the true State of the Question, concerning the Dominion of* the British Seas, *as*

as well what Hiſtories *as our own* Records *would afford. And here 'tis done in a little roome; for the* Author *was able to ſpeake* fully, *and* briefly *both at once. Some others have written of the ſame Subject; and if wee thought any*

any ſpake more, or ſo much, in ſo ſhort compaſſe, wee ſhould forbeare the publication of this. Wee are borne in an Iſland, *and cannot goe out of it without asking leave of the* Sea *and* Winde; *and not to know what Right we have to that*

that Water which divides us from all the World, is ſomething ill becoming ſuch as can read, and may know for reading. The Title is not too bigge for the Booke, though one of the greateſt Ships *of the World was call'd by the ſame name;*

name; and (if ſome knowing Perſons bee not deceiv'd) our Author *was the firſt that hinted it, having written this Diſcourſe three yeares before that famous Veſſell was built.*

Farewell.

The Soveraigntie Of the Seas of ENGLAND.

THat Princes may have an exclusive property in the Soveraigntie of the ſeverall parts of the Sea, and in the paſſage, fiſhing & ſhores therof, is ſo evidently true by way of fact, as no man that is not deſperately impudent can deny it And for the point of

right, though ſome of late have endeavored by way of argument to prove the contrary, affirming them to be not onely publique but common; yet the notorious practiſe of all Maritime Countries, the neceſſity of Order in mutuall commerce, and the ſafety of mens perſons, goods, & lives had taught even the moſt barbarous Nations to know by the light of humane reaſon, that lawes are as equally neceſſary for the governement and preſervation of ſuch as frequent

quent the Seas, as of thoſe that trade, and negotiate on the firme land. And that to make lawes, and to give them the life of execution muſt of neceſſity require a ſupreame authority, for to leave every part of the Sea, and ſhores to an arbitrary and promiſcuous uſe, with a correcting and ſecuring power in caſe of wrong, or danger is to make men of the like condition with the fiſhes that live therein, of which the greater doe uſually devoure, and ſwallow the leſſe.

I conceive therefore that Princes doe entertaine theſe Schoole Problems, and Criticiſmes no otherwiſe then with contempt and ſcorne, much diſdaining to bee wrangled out of the ancient rights & regalities annexed to their crownes by the ſubtile Arguments of witt and Sophiſtrie, ſpecially conſidering that amongſt the Civill Lawyers themſelves there is ſo great diverſity of opinion, whilſt ſome peremptorily maintaine, That *Mare & littora maris*

Grotius de Mari libero.

maris jure Gentium ſunt communia. Others as confidently ſaying, *Videmus de jure Gentium in mare eſſe diſtinctu dominia ſicut in terra.* And further, *mare ipſum ad centum uſque millaria pro territorio diſtrictuque illius Regionis ovi proxim. appropinquat aſſignatur*: with many other like alterations diameter wiſe contradictorie the one to the other; And therefore the queſtion being not as yet reſolved amongſt themſelves, it were ſtrange to thinke that Princes in the

Baldus ad L. de rerum dominijs.

Barthol. in Tract. de Inſulis.

meane time will relinquiſh the poſſeſſion of thoſe Royalties which they and their Anceſtors have held beyond all memory, without a judgement firſt agreed upon, and affirmed in the caſe. And for his ſacred Majeſty our dread Soveraigne Lord the King, ſuch is his cleare and indubitable right to the Superiority of the Seas of *England* derived and confirmed upon him by immemorable preſcription, and continued in poſſeſſion even untill this very yeare 1633.

1633. that the hearts and conſciences of all juſt men muſt neceſſarily ſubſcribe to the evident truth thereof. But if contrariewiſe any ſhall preſume and goe about actually to diſpoſſeſſe his Majeſtie of this his undoubted birthright, or uſurpe upon his Soveraigntie in a caſe ſo highly concerning his honour and ſafety, as well of his owne kingdomes and ſubjects, as of other Nations that under the wing of his protection doe paſſe thoſe Seas, his Majeſtie (no doubt)

will never be unprovided of a good ſword to vindicate that right which all his royall progenitors have carefully maintained, the lawes and cuſtomes of this kingdome have ratified and confirmed, & forraigne Nations have freely acknowledged; as by the ſubſequent monumẽts of Record, Hiſtory, & the Cõmon lawes of the land will evidently appeare.

When *Julius Cæſar* firſt undertook the Invaſion of this our Iſle of *Brittaine*, he found the neighbouring Nation

tion of the *Gaules* in a manner altogether ignorant of the Iſland it ſelfe, the condition of the Inhabitants their Towne, Havens, & approaches, *Quæ omnia fere Gallis erant incognita, neque enim temere præter mercatores adit ad illos quiſquam neque eis ipſis quidquam præter oram Maritimam atq; eas Regiones quæ ſunt contra Gallam notum eſt.* So are the words of *Cæſar* whereby it appeareth that the Brittains kept off all Strangers except Merchants from approaching their con-

Cæſar de bello Gallic. l. 4. fol. 72. m. 8.

fines, & that those Merchants in their accesse were restrained to the shore only, that lay opposite to the *Gaules*, without being suffered to make further discoveries of the more remote coasts. Insomuch that the same *Cæsar* upon diligent examination of those Merchants, *Ibidem.* *Neque quanta esset Insulæ magnitudo, neque quæ, & quantæ Nationes incolerent, neq; quem usum belli haberent, aut quibus institutis uterentur, neq; qui essent ad majorum naviũ multitudinẽ idonei portus reperire poterat.*

Which

which reſtaint of ſtrangers they could not otherwiſe make good but by the goodnes & greatnes of their Shipping, as may be gathered by the words of the ſame *Cæſar* afterwards uſed. For though the Brittaines for ordinary imployment, & Rivers, and upon the Coaſts neare the maine, had Ships compoſed of meane ſtuffe, having their Keeles, and Ribs made of ſlight timber, and the reſt of the Hull rooven up with Oſyers covered with leather. *Carinæ primum*

De bello Civil. lib. 1. p 233.

mum ac ſtatumina ex levi materia fiebant, reliquum corpus navium viminibus contectum coriis tegebatur: From whence *Cæſar* tooke his patterne of thoſe Ships which hee was forced to frame on the ſudden for paſſing his Army over the River neare *Ilerda* in *Spaine*, without wch he had utterly loſt both it, and himſelfe, yet had they, and their Confederates other ſhipping of ſo great bulk & ſtrength, & withal ſo ſerviceable in fight at ſea, that *Cæſar* in their deſcription

tion preferreth them far before those of the Romanes; for in the Navall preparations made by the Gaules of *Venice*, neare the mouth of the River *Loyer* (wherein hee expresly saith, that they had (*auxilia*) supplies from the opposite part of Brittaine) he setteth forth their Ships in such manner as (considering the time) may justly move admiration. *Ipsorum Naves* (saith he) *ad hunc modum factæ armataeque erant. Carinæ aliquanto planiores quam*

De bello Gallico. lib. 3. pa. 55.

quam noſtrarum Navium, quo facilius vada, ac deceſſum æſtus excepere poſſent, Proræ admodum erectæ, atque item puppes ad magnitudinem fluctuum, tempeſtatumque accomodatæ Naves totæ factæ ex robore, &c. And againe, *Neque enim his noſtræ roſtro nocere poterant, tanta erat firmitudo, neque propter altitudinem facile telum adjicebatur. Et eadem de cauſa minus commode ſcopulis continebantur. Accedebant ut cum ſævire ventus cæpiſſet & ſe vento dediſſent, & tempeſtatem*

Ibidem.

ferrent

ferrent facilius & in vadis conſiderent tutius, & ab æſtu derelicta nihil ſaxa, & cantes timerent. And preſently after, *circiter ccxx. Naves eorum paratiſsimæ atque omni genere armorum ornatiſſimæ è portu profectæ noſtris adverſæ conſtiterunt. Neque ſatis* Bruto *qui claſſi præerat, Neq;* Tribunis *militum,* Centurionibuſq; *quibus ſingulæ naves erant attributæ conſtabat, quid agerent aut quam rationẽ pugnæ inſtiterent, Roſtrũ enim noceri non poſſe cognoverant, turbibus artem excitatis, tamen*

has

has altitudo puppium ex barbaris navibus superabat, ut neque ex inferiori loco satis commodè tela adjici possent, & missa à Gallis gravius acciderent. And that the Brittaines not onely at this time but in most of those Warres of the *Gaules*, did send them aydes, and supplies against the *Romanes*, the words of *Cæsar* evidently declare, who intending to invade their country, pretended no other quarrell then, *Quod omnibus ferè Gallicis hostibus nostris inde subministrata*

De bello Gall lib. 4.

ta

ta auxilia intelligebat.

Yet these three confederates and neighbours the Gaules they permitted not freely to passe the Brittish seas, but kept them from knowing so much as their opposite coasts, save onely by way of Trade and Merchandize. And this to certaine appointed places neare the sea-shoares where the knowne Marts and Staples were appointed for commerce and traffique.

By all which it manifestly appeareth that before the Roman conquest

queſt the Brittiſh Nation had the ſupreame power and command of their owne Seas without the competition of any other Nation whatſoever.

So likewiſe when the Romans had made themſelves poſſeſſorie Lords of the Iſland, and the Soveraigntie of the Seas thereunto belonging was in them, and accordingly continued and was maintained, without incroachment, or pretence of title thereunto made by the other. But when the Civill wars

warres and distraction of the Roman Empire had by exhausting of the flower of the Brittaine youth, so much infeebled the Nation, as inforced them to call in the Saxons to their ayde against the Picts their insolent neighbours, & for suppressing the nationall factions growne up amongst themselves, and those Saxons (working upon the weakenesse of the Brittaines) had expelled them from the better parts of the Kingdome, though for a time they were

were diverted from ſet ling their owne affaires by the powerfull invaſions of the Danes and their homebred quarrels, grown by reaſon of the ſeverall pettie Kingdomes of their Heptarchie, yet when they were all reduced under one head, they forgot not to aſſume their right of Soveraignty in the ſeas of *England*. As did the moſt noble *Edgar*, who in the glorious title of his Charters, yet extant of thoſe times, ſpeaketh as followeth.

Al-

Altitonantis Dei largiflua clementia, qui eſt Rex Regum: Ego Edgarus Anglorum Baſileus omnium-que rerum Inſularum Oceani quæ Brittaniam circumjacent, cunctarumque Nationum, quæ infra eam includuntur Imperator & dominus &c.

Ex. Charta fundationi Eccleſiæ Bathed Nigor.

And for maintenance of this his Soveraigntie he continually kept in readineſſe a Navy of foure hundred ſhips, which being divided into foure ſeverall Fleets of one hundred Ships a peece did every yeare after Eaſter take their

their courſe to the four quarters of England where they remained to guarde, and ſcowre the Seas untill winter following. So ſaith *Ranulphus Ceſtrenſis. Idem quoque Edgarus 400 Naves congregavit ex quibus omni anno poſt feſtum Paſchale, 100 Naves ad quamlibet Angliæ partem ſtatuit, ſic æſtate Inſulam circum navigavit, hyeme vero indicia in Provincia exercuit.*

Ranulphus Ceſtrenſis.

Etheldred after *Edgar* for defence of the Seas, and kingdomes cauſed of every three hundred

dred and ten hides of land a ſhippe to be built, which meeting at *Sandwich*, made the greateſt Navy that ever this kingdome ſet forth to Sea.

And *Canutus* the Dane, coming not long after to be King firſt of halfe the Realme by by compoſition betweene him, and *Edmund Ironſide*, and after the death of *Edmond* of the whole Survivorſhippe did for his owne time (as his Succeſſors of the Daniſh race after him) preſerve the Seas of the King-

Kingdome in their former eſtate, without admitting any the neighbour Princes to have any dominion in any part thereof.

And ſo they remained in the time of the Confeſſor untill the conqueſt made by *William* Duke of *Normandie*, in whoſe raign, and for many diſcents after him, the Soveraigntie of the ſaid Seas was ſo far from being evicted that it was never ſo much as queſtioned by any Nation untill the time of *Edward* the firſt, about the

the yeare 1299. and the ſix and twentieth of his raigne. At which time the King of *France* being upon termes of hoſtilitie with thoſe of *Flanders*, did by his Commiſſion conſtitute one *Reyner Grimbald* Admirall of his Navy which he then ſent forth againſt the *Flemmings* by vertue of which Commiſſion, *Grimbald* in paſſing to and againe in the Seas of *England*, tooke upon him Soveraigne Juriſdiction, as Admirall unto the French King in thoſe Seas, taking

the people, and Merchants of *England*, and other Nations, and carrying them into *France*, where he caused them to abide his judgement, and a ward concerning their goods and Merchandice; But shortly after the King of *England* and of *France* appointed by agreement certain Commissioners (termed Auditors in the Record) to heare, and redresse the wrongs interchangably done by their Subjects contrary to the peace formerly made betweene them

them at *Paris*, before which the Commissioners the Agents (or Procurators as the Record nameth them) for the Maritime coasts of the greatest part of the Christian world, of *Genoa*, *Spain*, *Germany*, *Holland*, *Zealand*, *Freezland*, *Denmarke*, and *Norway*, made this remarkable acknowledgment and declaration following, which out of the old French of that time I have rendred into English, the title whereof is thus in Latine.

De ſuperioritate Maris Angliæ & jure officii Admirallatus in eodem.

Record in the Tower of *London*.

To our Lords Auditors deputed by the Kings of *England* & of *France*, to redreſſe the damages done to the people of their Kingdoms, and of other Territories ſubject to their Dominions by ſea, and by land, in time of peace and truce.

The Procurators of the Prelates, Nobles, and Admirall of the ſea of *England*, and of the Com-

Comminalties of Cities and Townes, and of Merchants, Marriners, Meſſengers, Pilgrims, and of all other of the ſaid Kingdome of *England*, and the Territories ſubject to the Dominions of the ſayd King of *England*, and of other places, as of the Sea-coaſts of *Genoa*, *Cataloigna*, *Spaine*, *Almaigne*, *Zealand*, *Holland*, *Freezland*, *Denmarke*, and *Norway*, and of divers other places of the Empire, doe ſhew, That whereas the Kings of *England*, by reaſon of the ſayd

Kingdome from time whereof there is no memory to the contrary, have been in peaceable poſſeſſion of the Dominion of the Sea of *England*, and of the Iſles being in the ſame, in making, and eſtabliſhing Lawes and Statutes, and reſtraints of Armes, and of Ships, otherwiſe furniſhed then to Ships of merchandize appertaineth, and in taking ſuretie, and affording ſafeguard in all caſes where need ſhall be, in ordering of all other things neceſſary for main-

maintaining of Peace, Right, and Equity, amongſt all manner of people, as well of other Dominions as of their owne, paſſing through the ſaid Seas, and the Soveraign guard thereof, and in doing Juſtice, Right, and Law, according to the ſaid Lawes, Ordinances, and Reſtraints, and in all other things which may appertaine to the exerciſe of ſoveraigne dominion in the places aforeſayd. And *A. de B.* Admirall of the Sea deputed by the King of *England*, and all o-

ther Admiralls ordained by the ſayd King of *England*, had been in peaceable poſſeſſion of the ſoveraigne guard, with the cognizance of Juſtice, and all other the appurtenances aforeſayd, except in caſe of Appeale, and of complaint made of them to their Soveraignes the Kings of *England* in default of Juſtice, and for evill Judgement, and eſpecially in making Reſtraints, doing of Juſtice, and taking ſurety of the peace of all manner of people uſing

ſing Armes in the ſaid Sea, and carrying Ships otherwiſe furniſhed, and ſet forth then to Merchants Ships appertaineth, and in all other points where a man may have reaſonable cauſe to ſuſpect them of Robbery, or of other miſdemeanours. And whereas the Maſters of the ſhips of the ſayd Kingdome of *England* in the abſence of the ſayd Admirall hath been in peaceable poſſeſſion of taking Cognizance and judging all actions done in the ſayd Sea,

betweene all manner of people according to the ſaid lawes, Statutes, reſtraints, and cuſtomes. And whereas in the ſaid firſt Article of confederation lately made betweene the ſaid kings in the treatie upon the laſt peace at *Paris* are compriſed the words which follow in a Schedule annexed to theſe preſents. Firſt it is eſtreated, and accorded betweene us, and the meſſengers and Procurators aforeſaid in the names of the ſaid Kings. That the ſaid Kings ſhall from this time

time forward be one to the other good, true, and loyall friends, and ayding againſt all men (ſave the Church of *Rome*) in ſuch manner, as if any one, or more whatſoever they be, would diſinherit, hinder or moleſt the ſaid kings in the Franchiſes, liberties, priviledges, rights, dueties, cuſtomes of them and of their kingdomes they ſhall bee good and loyall friends, and ayding againſt all men that may live, and die to defend, keepe, and maintaine, the Fran-

Franchiſes, liberties, priviledges, rights, duties, and cuſtomes aboveſaid, except to the King of *England* Mounſieur *Iohn Duke* of *Brabant* in *Brabant*, and his heires deſcended of him, and of the daughter of the King of *England*, and except to our foreſaid Lord the King of *France* the excellent Prince *Mounſieur Dubart* King of *Almaigne*, and *Mounſieur Iohn* Earle of *Anhault* in *Anhault*, and that the one ſhall not be of Counſell, or ayding, where the other may

may loſe life, member, eſtate, or temporall honour, *Mounſieur Reyner Grimbald* maſter of the ſaid Navy of the ſaid King of *France* who names himſelfe Admirall of the ſaid Sea deputed by his Lord aforeſaid in his warre againſt the *Flemmings*, after the ſaid confederation made, & eſtabliſhed, and againſt the forme, and force of the ſaid confederation, and the intention of them that made it, wrongfully aſſumed the office of the admiraltie in the ſaid Sea of

of *England*, by the commiſſion of the King of *France*, and uſed the ſame one year, & more, taking the people and Merchants of the kingdome of *England*, and of other places paſſing through the ſaid Sea with their goods, & delivered the people, ſo taken to the priſon of the ſaid Lord the King of *France* in the Ports of his ſaid kingdome, as to him forfeited, and accrewing. And the taking, and detayning of the ſaid people with their ſaid goods, and Merchandiſe, as alſo his

his ſaid judgement, and award hath juſtified before the Lords Auditors in writing by vertue of the authoritie of his ſaid commiſſion of the Admiraltie aforeſaid by himſelfe uſurped, and during a reſtraint generally made by the King of *England* by reaſon of his power, and according to the forme of their articles of the confederation aforeſaid, which conteineth the words underwritten, requiring that he might be acquitted, and abſolved

ved of the ſame to the great dammage and prejudice of the King of *England*, the Prelates, Nobles, and others above named.

Wherefore the ſaid procurators in the names of their ſaid Lords, doe pray your Lordſhips Auditors aforeſaid that you cauſe due, and ſpeedie deliverie of the ſaid people with their goods and Merchandiſe ſo taken and detained to be made to the Admirall of the ſaid King of *England* to whom the Cognizance of the ſame of right

right appertaineth (as is before expreſſed) So that without the diſturbance of you, or any other, hee may take Cognizance ther-of, and to doe that which appertaineth to his office aforeſaid. And the ſaid *Mounſieur Reyner Grimbald* bee condemned, and con-ſtrained to make ſatis-faction to all the ſaid parties dampnifyed, ſo far forth as hee ſhall be able, and in his de-fault his ſaid Lord the King of *France*, by whom he was deputed in the ſaid Office; And that

that after due ſatisfaction made to the parties dampnified the ſaid *Mounſieur Reyner*, bee ſo duly puniſhed for the violation of the ſayd confederation, that his puniſhment may bee an example to others in time to come.

In the Record theſe memorable points are to be obſerved.

Firſt, That the Kings of *England* had then been in peaceable poſſeſſion of the ſayd Dominion of the ſayd Sea of *England* by immemorable preſcription.

Secondly

Secondly, that the Soveraignty belonged unto them, not becauſe they were *Domini utriuſque ripæ*, as when they had both *England* and *Normandy*, and ſo were Lords of both ſhoares. For *Edward* the Firſt at this time had not *Normandy*, but that it is inſeparably appendant and annexed unto the Kingdome of *England*, our Kings being ſuperiour Lords of the ſaid Sea, by reaſon (as the ſaid Record ſpeaketh) of the ſayd Kingdomes.

Thirdly, onely the Kings

Kings of *England* had power to make Lawes, and exerciſe ſupreame Juriſdiction over all perſons, and in all cauſes within the ſayd Sea, and in their abſence to the Maſters of their ſaid Ships onely appertaineth.

Fourthly, That the King of *France* could not make an Admirall in that Sea without doing wrong to the King of *England*, but that it was an uſurpation upon his right.

Laſtly, that all this was affirmed, and acknowledged by the A-

gents

gents of moſt part of Chriſtendome, being ſtrangers to the Crown of *England*.

Surely I beleeve no Prince in the world can produce clearer evidence for any part of his eſtate then the King of *England* by this Record can doe for his Soveraignty, and excluſive Juriſdiction in the Sea of *England*. Yet for further declaration hereof, I will adde certain others of ſucceeding times in affirmance of that abovementioned.

The firſt whereof is that

that of King *Edward* 3. being an Article amongſt others, upon which the Kings Juſtices were to be adviſed with all the title of the Record, being as followeth.

Articuli ſuper quibus Juſticiarii Domini noſtri Regis ſunt conſulendi.

Item ad finem quod reſumatur, & continuetur ad ſubditorum proſecutionem forma procedendi, quondam ordinata & inchoata per Avum Dominum noſtrum Regis, & ejus Concili-

um

um ad reſtituendum, & conſervandum antiquam ſuperioritatem Maris Angliæ, & jus officii Admirallatus in eodem, quod corrigendum leges & ſtatuta per ejus Anteceſſores Angliæ Reges dudum ordinata, ad conſervandum pacem & juſtitiam inter omnes Gentes Nationes cujuſcunque per mare Angliæ tranſeuntes, & ad cognoſcendum ſuper omnibus in contrarium attemptatis in eodem, & ad puniendum delinquentes & damna parti ſatisfaciendum. Quæ quidem leges, & ſtatuta per Dominum

Rich-

Richardum *quondam Regem Angliæ in redditu ſuo à terra ſancta correcta fuerunt interpretata, declarata & Inſula de* Olleron *publicata & nominata in Gallica lingua.* Lay loy Olleron.

In this Record (as in the former) the ancient right of the King of *Englands* ſuperiority in the Seas of *England*, and the large extent thereof is clearely ſpecified, but eſpecially in the concluſion wee may obſerve to the great glory of our Engliſh Nation, that the famous

famous Lawes of *Olleron* (which after the Rhodian Lawes were antinquated and abſolete) have now well neare 500. yeares been received by all the Chriſtian world for regulating Sea affaires, and deciding Maritime controverſies , were firſt declared by King *Richard* the firſt (a King of *England*) at his returne from the Holy land, and by him cauſed to bee publiſhed in the ſle of *Olleron* then belonging to the Dutchy of *Aquitane*) and thereupon, and from

that Iſland tooke their name, which they yet retaine, and this is the more worthy of note, becauſe untill this Record (being lately found) was produced, the moſt learned Lawyers, and Antiquaries of our times were altogether ignorant by whom thoſe Lawes were ordained, and why they were ſo called. To the ſame purpoſe and effect is this originall in French, but expreſſed here in Engliſh.

Record Regis in Tower.

Item, to the end that having ſeen and conſidered

dered the formes of proceeding and Letters, ordained by the Counſell of our ſayd Lord (Grandfather to the King) for them, and the ſayd Nation of England, to recover, and retaine the ſayd Subjects Aſſiſtants and Allies, and to cauſe redreſſe to be made unto them for all damages done to them on Sea, and Land during the ſaid Truce, Peace, and Confederation, and againſt the forme of the ſame by the ſaid French their Aſſiſtants and Allies, and to ſhew

the clamour of the people for the ſaid diſinheritance, and the damages which by reaſon of ſuch clamour might happen, and eſpecially to retaine the Soveraignty, which his Anceſtors the Kings of *England* uſed to have in the ſayd Sea of *England*, as touching the ancient declaration, and interpretation of Lawes by them made to governe all manner of people paſſing through the ſayd Sea. And firſt to his Admirall, and Maſters, and Marriners of the Ships of

of the Cinque Ports of *England*, & of all other Lands annexed to the Crowne of *England*, belonging to his Army in the ſaid Sea, the like formes of proceedings and letters be henceforth obſerved, with all ſuch amendment as may be ordained by the ſaid Counſells of our ſaid Lord the King to the profit, and honour of him.

And moreover the Record following, ſheweth how much that great King *Edward* the third held himſelfe in honour bound not

to ſuffer the dominion of the Sea to be loſt, or impaired in his time, but eſpecially wee are in it to obſerve that the Kings of *England* were anciently as now *Domini Anglicani circumquaque*. Lords of the Seas environing *England* for ſo the words of the Record are.

Rex dilecto, & fideli ſuo Galfrido de Say. Admirallo flotæ ſuæ navium ab ore aquæ Thamiſiæ, verſus partes Occidentales ſalutem. Cum nuper nos animadvertentes quod Progenitores noſtrum Reges Angliæ, Domini

Domini Maris Anglicatani circumquaque, & etiam defensores contra hostium invasiones ante hæc tempora extiterunt. Et plurimum nos tæderet si honor noster regius in defensione hujusmodi armis (quod absit) depereat temporibus nostris, aut in aliquo minuatur &c. Mandamus vobis quod statim visis presentibus et absque ulteriori dilatione navis portuum prædictorum & alias naves, quæ jam paratæ existunt super mare tenea-tis.

And first to the practique proofe of

this Dominion, and Superioritie in all ſucceeding times what can be more pertinent, and materiall then to ſhew.

That the Kings of *England* ſucceſſively have had the Soveraigne guard of the Seas.

That they have impoſed taxes and tributes upon all Ships paſſing and fiſhing therein.

That they have ſtoped, and opened the paſſage thereof, to ſtrangers as they ſaw cauſe.

That

That all wrecks and and Royall fiſhes therein found are originally due and doe belong unto them.

Every of which particulars the teſtimonies following will amply manifeſt.

As touching therefore the guard of the Seas. It is apparent by the Records of Parliament, and by the printed bookes of Statutes that Tomage and Poundage were granted, as for other reaſons, ſo eſpecially, and all waies for

enabling the King to guard the Seas. And accordingly divers admiralls from time to time were conſtituted by Commiſſion for that purpoſe, of which there are multitudesof preſidents upon Records. It may ſuffice to inſert this one inſtead of many.

Rex Chariſſimo conſanguineo ſuo Henrico Duci Exoniæ *ſalutem. Sciatis cum nos &c. retinuerimus vos ſub certis modis & forma ad proficiendum in ſervitio noſtro ſupra Mare ſuper cuſtodia ejuſdem*

dem, &c. Ordinavimus & assignavimus vos, & vobis tenere presentium plenam, et sufficientem committimus, et damus potestatem et authoritatem generalem et specialem ad proficiscendum supra mare cum retinentia vestra Piratasque et Spoliatores, Mercatorum, et Piscatorum tam Anglorum, quam extraneorum cum eorum Navibus, et capiend. et arrestand. et eos juxta casus et juris exigentiam similiter castigand. &c.

And to this purpose wee finde frequent protections granted to such

ſuch of the Subjects as were in ſervice with their Admiralls, As to *Thomas Warren* of *Briſtoll*, *qui in obſequium Regis in comitiva dilecti et fidelis conſanguinei* Johannis Comitis Wigorum *unius cuſtodum Maris ſuper ſalva cuſtodia et defenſionem ejuſdem Maris moratur.*

So likewiſe unto *Iohn Warde*, *qui in obſequio Regis in comitiva dilecti, & fidelis conſanguinei noſtri* Richardi *comitis Sarum unius cuſtodum Maris ſuper ſalva cuſtodia & defenſione ejuſdem profecturus eſt.* And

And the like to *Richard Clarke, qui in Regis obſequio in comitiva dilecti & fidelis conſanguinei Regis* Johannis *comitis* Oxoniæ *unius cuſtodum maris ſuper ſalva cuſtodia & defenſione ejuſdem moratur.*

I ſhall not need to more of elder times for declaration of this point, ſince our owne memories can teſtifie that divers Ships have been ſent forth by our Soveraignes at ſundry times upon the like imployment, beſides thoſe that have conſtantly

ſtantly kept the Narrow Seas, unto which all ſtrangers even at this day vaile Bonnet in acknowlegement of this Superioritie, according to this Ordinance made by King *Iohn* many hundred yeares paſt, worthy to bee remembred, and obſerved, which out of the old French I have here verbatim tranſlated into Engliſh.

'nter leges narmas ſub fine

Item, It was ordained at *Haſtings* for a Law and Cuſtome of the Sea in the ſecond year of the raigne of King

Iohn.

John, by the advice of the Lords Temporall, That if a Lievetenant in any voyage being ordained by Common Councell of the Kingdome doe incounter upon the Sea any Ships or veſſels laden, or unladen, that will not ſtrike and veile their Bonnets at the commandement of the Lievetenant of the King, or of the Admirall of the King, or his Lievetenant, but will fight againſt them of the Fleet, that if they can be taken, they be reputed

ted as enemies, and their Ships, Veſſells, and Goods taken, and forfeited as the Goods of Enemies, although the Maſters or Poſſeſſers of the ſame would come afterwards and alledge, that they are the Ships, Veſſels, and Goods of thoſe that are Friends to our Lord the King, and that the common people being in the ſame bee chaſtiſed by impriſonment of their bodies for their rebellion, by diſcretion.

Concerning Taxes, and Tributes impoſed upon

upon Ships paſſing, and fiſhing upon our Seas, and Coaſts, it will bee proper in the firſt place to ſet downe the Ordinance made in the ſecond yeare of *Richard* the ſecond by the aſſent of the whole eſtate in the Parliament, which upon the Roll of that yeare is recorded in theſe words.

Ordinance et grant per l'adviſe des Merchants de Londres et des autres Merchants vers le North per aſſent de touts les Commons de Parliament per devant le Countes de

de Northumberland et le Mayor de Londres pour le guard de mere et coſts de Admirall des North aux deux niefs.

Trimerment pur prender de chacune neif et Crayer de quelque paſſage que paſſe per la mere le dit Admirall alant et retournant pur le voyage de de chacune Tonne tight vj.d

Iten de prendre des autres neifs et veſſeaux peſſioners et paſſon entour autres poiſſonniers ſur le me re deins le dit Admiralty de quelle portage quil ſoit en troys Semanies de chacune

ne Tomne tight : vj.[d]

Iten de toutes autres neifs Crayes & veſſaux paſſantes per mere deins le de Admiralty charges ove biens de Merchants in Exprenx on en North-way on en Sion Ga de chacune Towne tight vj.[d]

In which Ordinance of Parliament wee may plainly obſerve that theſe payments were impoſed upon all ſhips paſſengers as well as fiſhers within thoſe Seas. And to the like purpoſe is this of *Edward* the fourth.

Rex dilectis & fidelibus

Pat. 22. E. 4. part 1. m 2. de conductu sive gardia Waftorum piscatorum.

delibus Iohanni Henningham *militi* Willo Hopton, Edv. Ynce, & Johanni Wainfllet; *salutem Sciatis, quod cum nos pro securitate Subditorum; nostrorum commitatum* Northhampt. & Southhampt. *quam Navium, & Piscatorum qui super mare per Costeras eorundem Comitatum piscari voluerunt sub conductu & salva gardua dilectorum & fidelium nostrorum* Edw. Ynce, Johannis Dabey, *unius valectorum Coronæ et* Will. Thederston, *quos custodes, conductores, et Waftores*

pro

pro ſecuritate dictorum Piſcatorum verſus inimicos noſtros, ſuper mare exiſtentes ad preſens ordinavimus de fidelitate, et provida circumſpectione veſtris plenius confidentes, aſſignavimus vos conjunctim, et diviſim, ac vobis plenam poteſtatem et authoritatem tenore preſentium damus et committimus tam ad cuſtodes, conductores, et Waſtores illos ſupervivendum, quam ad communicandum cum quibuſdam Piratoribus cujuſcunque patriæ fuerint qui in partibus præ-

prædictis ſub ſecuritate dictorum, Edmundi Ynce, Iohannis Dabey, *et* Will. Federſton *piſcari voluerint. Quod ipſi piſcatores et eorum quilibet ad omnia, et omnimoda coſtas onera et expenſas eiſdem cuſtodibus conductoribus et waſtoribus preſentium ſint tempore piſcationũ contributores ad hujuſmodi coſtas, onera, et expenſas illa de hujuſmodi piſcationibus, piſcatorum prædictorum ubicunque inuenire poterunt levandum et colligendum. Nec non ad omnes alios fore cuſtodes, con-*

conductores, ſive waſtores alios, quam prenominatos preſumentes, vel attemptantes arreſtandi, et capiendi et prox. Goalæ noſtræ committendum ibidem ſalvo, et ſecure, quouſque eorundem deliberatione ordinavimus cuſtodiendum, ſimiliter authoritatem et poteſtatem damus et committimus. Et ideo vobis et cuilibet veſtrum mandamus quod circa præmiſſa diligenter intendatis ut ea faciatis et exequamini in forma prædicta.

In this Record is manifeſtly expreſt that the

the King appointed wafters to guard the fiſhers, not only of his owne realme but forrainers and ſtrangers that fiſh upon his coaſts, and that the wafters tooke a rateable proportion of every Ship towards their coſts, and expences, in ſecuring their fiſhing. And laſtly that theſe wafters were to prohibit all other wafters whatſoever that preſumed to take that office upon them, and to commit them to priſon there to attend the Kings pleaſure.

Camdens Brit.

To

To this effect the venerable *Camden* in his deſcription of the North riding of Yorkſhire ſaith, that the Hollanders in their fiſhing for herring upon the Northcoaſts of England did firſt obtaine licence of Scarborough Caſtle for to doe.

But that which is moſt materiall to the Soveraigne command, and proprietie of our King in this point of fiſhing, eſpecially appeareth in that all Neighbour Princes have by trea-

tie obtained licence for their Subjects to fish in our seas. As in a truce, and abstinence of war agreed betweene *Henry* the fourth, and the French to the intent the Fishermen might fish in all parts, the King sent forth his Letters, as followeth.

Le Roy an toutz nous Admiralls & a fin qu'en ceſt preſent herringinſon les poiſſonniers de l'un pertie, & de l'auter puiſſoint peſhenre plus ſenrement in le mere les Herrings, & touts autres poiſſons

poiſſons entre le haven de Scarborough, & de fin de pays de Flanders vers le Eaſt & dillonques ſur le coaſt de Angleterre inſanes an haven de Southampton & ſur le coaſt du Royanne de Frence de le dit fin de tout le dit pays de Flanders niſques a riviere de Sound, ſc. vonlomus & avomus ordonne & ouſtre ordonnomus ottryons per ſes preſents; Que touts les poiſſonniers de la dite partie de France poiſſoynt peſher ſemrement les herrens & touts autres peſſons

durant ceſt herriogniſon & niſques an primer jour de Januarie prochainment a vener & denis & entre les bounds deſſus limites.

The like liberty was granted by treaty between *Henry* the ſixt and the Dutcheſſe of *Burgundy* to thoſe of *Brabant*, and *Flanders*, witneſſed by the Record following.

Rex omnibus ad quos, &c. Inſpeximus quaſdam continuationem, prorogationem, & elargati-

gationem nuper facta ſuper facto intercurſus, & commutationis Merchandiz & Piſcariæ maris & aliarum rerum neceſſarium ad utilitatem communem noſtrorum regni Angliæ dominii & Hiberniæ et villæ Caliciæ ex una parte, et Ducatus Comitatus patriæ Brabantiæ, Flandriæ, et Dominii villæ Machlinæ ex altera parte. Amongſt other Articles this is one.

Item et touts pechens tam de Angleterre Ireland, et Calais peaceablement aller partent ſur le mer pur piſcher et

gaigner leur venvre ſans impeachment on diſturber de l'vne partie on de l'auter.

So in a Truce to endure for thirty yeares between the King of *England* and his heires on the one party, and the Duke of *Burgundy* and his heires on the other part. One Article is.

Item et touts pecheurs tam D'angleter quam d'Ireland et de Calais ſicome de pais de Mon Sur le Duke quelqueles ſoyent purront peaceablement aller par tout ſur le mer pur peſcher, et

Sans

ſans et lour ſoit beſaigne ſur ceo requirer on obtiner aſc licence conge on ſans conduict, etc.

The like in a truce, and abſtinence of War, to endure the ſpace of thirty yeares betweene *Edward* the fourth and his heires on the one part, and *Francis* Duke of *Brittaine* on the other part, where one Article is. *Franc.* 8. *E.* 4.

Item et touts, peſcheurs tam D'angleter' ſicome du dit pais et Duche de Britaigne quelqueles ſoyent purront peaceablement aller par tout ſur mer pur peſcher, et

gaigner lour uniure ſans impeachment on diſturber delv'ne partie au de la'uter et ſans et lour ſoit beſaigne ſur ceo requirer ſans conduct.

Moreover, *Philip* the ſecond, King of *Spaine*, in the firſt yeare of Queen *Mary* obtained licenſe for his ſubjects to fiſh upon the North coaſt of *Ireland* for the terme of one and twenty yeares, paying yearly for the ſame a thouſand pound, which was accordingly brought into the Exchequer of *Ireland*, and received of

of Sir *Henry Fitton*, being then Treaſurer there, as his ſonne Sir *Edward Fitton* hath often teſtified.

To conclude this point; It is notorious, that at this day the King of *France* (as others of his predeceſſors have done) by the ſpeciall licenſe of the King of *England*, fiſheth upon our Coaſts neare *Rye*, with a ſet, and limited number of ſmall boates, and that onely for proviſion of his own houſhold, being tyed to obſerve the Orders and Lawes of

his owne Fiſhermen; for breach whereof divers of his Subjects of late years have been taken and impriſoned in *Dover* Caſtle, and elſwhere.

Nor doth the King of *England* in theſe particulars claime, or uſe any exorbitant Juriſdictions, and differing from that of other States and Princes in like caſe, who generally give Aliens lawes to paſſe or fiſh in the ſeas coaſting upon their Territories. And alſo impoſe Taxes and Tributes for their owne profit

profit and commodity.

The Emperour of *Russia* compelleth all Fishermen within the Seas, though it be many Leagues from the Maine to pay him Tribute.

In *Scotland* and other Islands under the King of *Swede* they are enforced to pay Taxes.

The King of *Denmarke* at his Wardhouse in the Sound, hath for a Licence a Doller, and for the Seale or Rose, a Noble of every Ship, and for every

every laſt of Herrings, being 12 barrels, a Doller.

The Duke of *Medina Sidonia* in *Spaine*, hath his greateſt revenues out of the Taxes layed upon Fiſhermen for their fiſhing in *Tourney*.

All Princes of *Italy* bordering upon the Seas receive a proportion of like benefit.

And the *Hollanders* themſelves impoſe taxes on the fiſhes taken by their owne Fiſhermen in our Seas.

Now for the King of *Englands* Soveraignty in

in opening and ſtopping the paſſage of his Seas, the preſidents of ancient times imbarging, and ſtaying, not onely Pyrates or Enemies, but friends alſo that were ſuſpected to trade with Enemies, or had done particular wrong to the Engliſh ſubjects, or upon ſome other urgent occaſion, or reaſon of State, are ſo frequent in Record of Story, that the tranſcribing and reading of a thing ſo generally known, would certainly bee eſteemed loſſe of time & labour.

I remember thoſe of *Hamborough*, and other Eaſterlings (though in amitie with us) in the late raigne of Queene *Elizabeth* of famous memory, were notwithſtanding ſtayed from paſſing through our Seas towards *Spain*, and good prize made of all other Nations that attempted to doe the like without licenſe firſt had and obtained from hence.

I will therefore only note by the way to this purpoſe, that ſtrangers being to paſſe through our Seas either in coming

coming to us, or going to any other place without ſo much as touching upon any of the King of *Englands* Countries, have uſed to take ſafe conducts, and licenſes of our Kings to ſecure them, and protect them in their paſſage, thereby acknowledging the right of their ſuperiotie in this behalfe in the Seas. Of which ſort amongſt many, the recitall of theſe two ſhall ſuffice.

Rex per literas ſuas patentes per triennium duraturas ſuſcepit in ſalvum

Franc. 11. *H.* 4. *de ſalvo conductu.*

ſalvum, & ſecurum conductum ſuum, ac in protectionem, tuitionem & defenſionem ſuas ſpeciales Edw. Sygal *et Opicinum Lomeline de Jean Mercatores cum bonis, & Merchandizis ſuis in quibuſdam Bargis, Carakis, ſive navibus in partibus Janus carcatis, & alibi cariandis ab iiſdem partibus in Regnum, Dominum et poteſtatem noſtra veniendum, et exinde ad portas ſuas proprias tam per terram quam per mare tranſeundo, et redeundo.*

This was granted to certaine Merchants com-

comming with their Shippes, and goods out of *Italy* into *England.*

That which followeth was to thoſe which paſſed the Seas as well to other places, *ubicunque placuerit*, as this kingdome.

Rex per literas ſuas patentes de gratia ſua ſpeciali ſuſcepit in ſalvum & ſecurum conductum ſuum, ac in protectionem, tuitionem, & defenſionem ſuas ſpeciales Robertum Forreſter, Rogerum *de* Clerk, Leonardum Blanch, & Johannem *de* Conwillis,

Ret. Fran. 38 H. 6. de ſalvo conductu.

lis, *Mercatores de* Normania, *et eorum quemlibet, ac factores, Attornatos, et ſervientes ſuos et quemlibet eorum in regnum Regis Angliæ, ac alia Dominia, Juriſdictiones et territoria Regis Angliæ quæcunque vel alibi ubicunque eis placuerit cum una nave vocata* le grace de Dieu de Roven, *portage* 90. *Doliorum, vel infra unde* Johannes *de* Bognas, Nundinas *de* Baſher, Martinus Hunday, Johannes *de* Blanch, Johannes Maſſey, *vel* Wilielmus Emry, *eſt Magiſter Quibuſdam bonis*

nis vel Merchandizis carcatæ et cum 20. *Marinariis, et uno pagetto vel infra pro gubernatione ejuſdem Navis, nec non pro rebus herneſiis et aliis armaturis quibuſcunque pro corporibus eorum; et pro defenſione ejuſdem navis neceſſariis et defenſibilibus ſecum habendis, et ferendis.*

It remaineth to ſhew that by reaſon of this prerogative and ſoveraigntie all manner of wrecks, and royall fiſhes taken in our ſeas are due unto the King of *England* onely, or unto

unto ſuch unto whom by ſpecial charters they have granted the ſame.

For manifeſtation hereof, although the known and continued practiſe might ſuffice, we are to take notice, that by the fundamentall Laws of this Kingdome, the King ſhall have wreck of the ſea, all Whales and Sturgions taken therein, with Porpoyces, and other royall fiſhes: And for declaration of this Law, the Statute made 17 *Edw.* 2. concerning the Kings prerogative, ſaith.

Item

Item Rex habebit wreccum maris per totum regnum Balenas, et Sturgiones captas in mare, vel alibi infra regnum, exceptis quibuſdam privilegiatis locis per Regem.

Stat. de Prærog. 17. E. 2. cap. 11.

So likewiſe Porpoyces are adjudged to belong unto the King, unleſſe any man can claime the ſame by Charter, or Preſcription, and accordingly in ancient Charters granted by our Kings to particular places and perſons, and among other liberties, *wreccum maris* is uſually paſſed

passed by special words arguing the Kings soveraigne right, and power to dispose thereof at his pleasure, by vertue whereof Wreck at this day is taken and enjoyed by many, as well Towns and Corporations as private men.

But for cleare proofe of the right, and practise of this Soveraignty, the Record following is very remarkable, and not to be omitted.

In a plea betweene *Peter de St. Cleere* the Abbat of *Cherbourgh*, and

and *Godfery de Carteret* Attorney for the Prior (the name of the Monaſterie is worne out of the Record) concerning 2 Tuns of Wine found by certain Marriners *in alto Mari*, and by them brought to land through certain places, where the ſaid parties claimed to have liberty of wreck. After long debate, and full hearing of the caſe recited at length in the Record, the concluſion and judgement is as followeth.

Rot. de St. Clere, Johan. de Frosingfield & al. Juſticiar inhabit. Inſuhs Gerſey & Gernſey, &c. anno 2 Ed. 3.

Et Willielmus *de* Marciis *qui ſequitur pro Domino*

Domino Rege dicit quod nullus eorum petere poteſt prædicta vina et wreccum, quia dicit quod ea tantummodo ſunt wreccum, quæ fluctus Maris projiciunt ad terram vel infra portum, vel tam prope terram quod aſtantibus in terra poſſint pependi, et ſic ducantur, vel trahentur ad portum, et ea, quæ reperta ſunt in alto Mari unde wreccum non exiſtit, quod fluctus Maris ea vellent projicere, ſed per laborem Marrinariorum leventur à Mari, et ponantur in Navi, vel batello, et ſic invaſi ducantur

cantur ad terram et non tangunt terram alicujus per trahimitronem nec alio quoviſmodo non poſſunt wreccum, ſed ſunt tantummodo de adventuris maris de quibus nullus poteſt aliquid clamare niſi ſalvatores, et Dominus Rex conceſſit libertatem percipiendi hujuſmodi adventuras. Et petit judicium pro Domino Rege. Et prædictus Petrus, et alii non poſſunt hoc dedicere. Et ideo conſideratum eſt quod prædicta vina remaneant Domino Regi (ſalva ſalvatoribus parte ſua) et Petrus, et alii

in miſericordia pro falſo clamore. Poſtea unum de prædictis doliis conceſſum fuit prædicto Priori pro LX^ſ. de parte ſua et de XX^ſ. reſiduis reſpondet Domino Regi.

Whence wee are to obſerve, that all findings, or things floating in *alto Mari*, and conſequently the maine Sea, or Channell it ſelf, belongeth to the King, of which thoſe that finde the ſame are to have two parts of three for their ſhare, in reſpect of their paines, and the other third part

part is due to the king.

For concluſion of that which hath been ſhewed already, I have thought fit to adde ſuch preſidents out of the municipall, and common Lawes of the kingdome, marſhalled together in one body, or claſſis, as do affirme this, the king of *Englands* Prerogative, and ſupreame Juriſdiction in, and over the Seas, which being ſeverally applyed to ſuch heads as are formerly ſet downe will evidently evict the truth thereof.

Bracton de acquirendo rerum dominio lib. 2. fo. 19.

Bracton in his booke *de acquirendo rerum dominio* saith. *Si autem insula in mari nata est (quod raro accidit) occupantis sit & per consequens Regis propter suum privilegium.*

The same *Bracton* affirmeth that one of the Articles to bee enquired before the Justices & Merchants was, *de purprestu ris factis super dominum Regem sive in mari &c.*

6. R. 2.

6. R. 2. upon an action of debt, the defendant sued forth a protection. At which time

time Justice *Belknapp* tooke exception saying, the protection is. *quia profecturus est super mare* with *G. K.* Admirall; and you never saw protection allowed of, if the partie did not goe out of the legiance of the King of *England* in the parts of *Scotland*, *Gascoignie*, or *France*. But the Sea is of the legeance of the King of his Crowne of *England*, wherefore it seemeth the protection is allowable, and you never saw such a protection allowed before this day,

But afterwards an expreſſe writ came out of the Chauncerie, commanding the protection to be allowed.

A child borne upon the Kings Seas is not an Alien by the common law.

Tempore Edw. 1. a replevin was brought of a Ship taken upon the waſt of Scarborough on the ſea, and from thence carried into the Countie of *Norfolke*, to which *Mutford* tooke two exceptions, one becauſe no certaine Towne, or place was named from whence

whence the viſne ſhould come; for the waſt extendeth foure leagues. Secondly becauſe of a thing done upon the Sea, this Court cannot have cognizance. To which Juſtice *Beresford* ſaid that the king will that peace be kept as well upon the Sea, as upon the land; and we finde that you are come in upon due proces, and ſo no cauſe but that you ſhould make anſwer.

Doctor and Student ſaith, that the king is Lord of the narrow

Seas, as bound to ſcowre the ſea of Pirates, and petty Robbers, and therefore ſhall have wreck of the ſea.

By the common Law the King ſhall have *Floſtan*, *Jeſtan*, and *Ligan*.

Flöſtan being ſuch Goods as after ſhipwrack doe floate upon the ſuperficies of the water.

Jeſtan are all manner of goods that the Marriners being in danger do caſt out of the ſhip periſhed.

By *Ligan* is underſtood

ſtood all things that are ponderous, and in ſhipwrack doe ſinke to the ground and bottome of the ſea.

By all which preſidents it is manifeſt that by the common Law of the land the king is proprietory Lord of our ſeas; that the ſeas of *England* are under the legeance of the king, that the king is the ſoveraigne conſervator of the peace as well upon the ſea as land, That not onely things floating on the ſuperficies of the water but ſuch as lye upon

the ſoile or ground thereof, belong properly unto the king, whereupon I conclude, That *Rex Maris imperio Dominio et ſundo poſſidet.*

And that it may appeare how great a King the King of *England* is by reaſon of this his ſoveraignty and dominion, it will not bee amiſſe to take a view of the ineſtimable riches and commodities, which (beſides our ſelves) other nations our neighbours doe daily reape eſpecially by fiſhing in our ſeas, in-

insomuch that no Christian Prince of the world is Lord of any Territory, that (considering all circumstances) yeeldeth the like constant, and generall benefit ; for proofe whereof I will briefly set downe such observations as others have heretofore made, and we our selves find by daily experience to be true beyond all exception.

The

The ineſtimable Riches and Commodities of the Britiſh Seas.

THE Coaſts of Great Brittaine doe yeeld ſuch a continuall Sea-harveſt of gaine, and benefit to all thoſe that with diligence doe labour in the ſame, that no time or ſeaſon in the yeare paſſeth away without ſome apparent meanes of profitable imployment eſpecially to ſuch as apply themſelves to

to fiſhing, which from the beginning of the yeare unto the latter end, continueth upon ſome part, or other upon our Coaſts, and therein ſuch infinite ſhoales and multitudes of fiſhes are offered to the takers as may juſtly move admiration, not only to ſtrangers but to thoſe that daily bee imployed amongſt them.

The Summer fiſhing for herring begineth about *Midſommer* and laſteth ſome part of *Auguſt*.

The winter fiſhing for

for herring lasteth from *September* to the midst of *November*, both which extend in place from *Boughones* in *Scotland* to the Thames mouth.

The fishing for Cod at *Alamby Wirlington*, and *White haven* neare the coast of *Lancashire* from *Easter* untill *Whitsontide*

The fishing for Hake at *Aberdeny*, *Abvesvhich* and other places betweene *Wales*, and *Ireland* from *Whitsontide* to *Saint Iames tide*.

The fishing of Cod, and

and Ling about *Padſtow* within the land, and of *Severne* from *Chriſtmas* to *Midlent*.

The fiſhing for Cod on the Weſt part of *Ireland* frequented thoſe of *Biſcay*, *Galicia*, and *Portugall* from the beginning of *Aprill* untill the end of *Iune*.

The fiſhing for Cod, and Linge on the North, and Northeaſt of *Ireland*, from *Chriſtmas* untill *Michaelmas*.

The fiſhing for Pilchers on the weſt coaſt of *England* from *St. Iames* tide untill *Michaelmas*.

The

The fiſhing for Cod, and Ling upon the Northeaſt of *England* from *Eaſter* untill *Midſommer*.

The fiſhing of great Staple Ling and many other ſorts of fiſh lying about the Iland of *Scotland*, and in the ſeverall parts of the Brittiſh Seas all the yeare long.

In *September*, not many yeares ſince upon the Coaſt of Devonſhire neare *Minigall* 500 Tonne of fiſh were taken in one day. And about the ſame time three thouſand pound

pound worth of fiſh in one day were taken at *St Ives* in Cornewall by ſmall boates, and other poore proviſions.

Our five-men-boats, and cobles adventuring in a calme to launch out amongſt the Holland Buſſes not far from Robin-hoods Bay returned to *Whitby* full fraught with herrings, and reported that they ſaw ſome of thoſe Buſſes take 10. 20. 24. laſts at a draught of herrings and returned into their owne Country with 40. 50. and 100. laſts

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laſts of herrings in one Buſſe.

Our Fleete of colliers not many yeares ſince returning from *Newcaſtle* laden with coales about the well, neare *Flanborough* head, and *Scarborough* met with ſuch multitudes of Cod, Ling, and herring, that one amongſt the reſt with certaine ſhip-hookes, and other like Inſtruments drew up as much cod, and Ling in a little ſpace of time, as were ſold well neare for as much as her whole lading of coale.

coale. And many hundred of ſhips might have bin there laden in two daies and two nights.

Out of which wonderfull affluence, and abundance of fiſh ſwarming in our ſeas, that wee may the better perceive the infinite gaine which forraine Nations make, I will eſpecially inſiſt upon the fiſhing of the Hollanders in our Coaſts, and thereby ſhew how by this meanes principally they have increaſed.

1. *In*

1. *In Shipping.*
2. *In Marriners.*
3. *In Trade.*
4. *In Townes and Fortifications.*
5. *In Power externe or abroade.*
6. *In publique Revenue.*
7. *In private wealth.*
8. *In all manner of*

Pro-

Proviſions, and ſtore of things neceſſary.

1.

Encreaſe of Shipping.

BEſides 700. Strand boates, 400. Evars, and 400. Sullits, Drivers and Todboates, wherewith the *Hollanders* fiſh upon their owne coaſts, every one of thoſe imploying another ſhip to fetch ſalt, and carry their fiſh into other countries, being in all 3000. ſaile,

saile, maintaining and setting on worke at least 4000. persons, Fishers, Tradesmen, Women, and Children. They have 100. Doyer boates of 150. Tunnes a peece, or there abouts. 700. Pincks and Well-boats from 60. to 100. Tuns a peece, which altogether fish upon the coasts of *England* and *Scotland* for Cod, and Ling onely. And each of these employ another vessell for providing of salt, and transporting of their Fish, making in all 1600. ships,

ſhips, which maintain and imploy perſons of all ſorts, 4000. at leaſt.

For the Herring ſeaſon they have 1600. Buſſes at the leaſt, all of them fiſhing onely upon our coaſts, from *Boughonneſſe* in *Scotland* to the mouth of *Thames*. And every one of theſe maketh work for three other ſhippes that attend her; the one to bring in ſalt from forraigne parts, another to carry the ſayd ſalt, and caſk to the buſſes, and to bring back their herrings,

rings, and the third to tranſport the ſayd fiſh into forraigne countries. So that the totall number of ſhips and buſſes plying the herring Faire is 6400. whereby every buſſe, one with another, imployeth 40. men, Marriners and Fiſhers within her own hold, and the reſt tenne men a peece, which amounteth to 112000. Fiſhers and Marriners. All which maintaine double, if not treble ſo many Tradeſmen, women and children a land.

More

Moreover they have 400. other veſſels at leaſt, that take Herring at *Yarmouth*, and there ſell them for ready mony: ſo that the *Hollanders* (beſides 300. ſhips before mentioned fiſhing upon their own ſhoares) have at leaſt 4800. ſhippes onely maintained by the ſeas of Great Brittaine, by which means principally, *Holland* being not ſo bigge as one of our ſhires of *England*, containing not above 28. miles in length, and three in breadth, have encrea-

ſed the number of their ſhipping to at leaſt 10000. ſaile, being more then are in *England*, *France*, *Spaine*, *Portugall*, *Italy*, *Denmarke*, *Poland*, *Sweden*, and *Ruſſia*. And to this number they adde every day; although their country it ſelfe affords them neither materialls, or victuall, nor merchandize to bee accounted of towards their ſetting forth.

Beſides theſe of *Holland*, *Lubeck* hath 700. great ſhips, *Hamborough* 600. *Embden* 1400. where-

whereunto adde the ſhips of *Bremer*, *Biſcay*, *Portugall*, *Spaine*, and *France*, which for the moſt part fiſh in our ſeas, and it will appear that 10000. ſaile of forraigne veſſels, and above are imployed and maintained by fiſhing upon our coaſts. So that in *Holland* there are built 1000. ſaile at the leaſt, to ſupply ſhipwracks, and augment their ſtore, which as the Prince, and common Nurſery, is the chiefeſt meanes onely to increaſe their number.

2.

Encreaſe of Marriners.

THE number of ſhips fiſhing on our coaſts as being aforeſayd, 8400. If wee allow but 20. perſons to every ſhip one with another, the totall of Marriners and Fiſhers amounteth to 168000. out of which number they daily furniſh their longer voyages to all parts of the world; for by this meanes they are not onely enabled to brooke the ſeas, and to know

know the uſe of the tackles, and compaſſe, but are like wiſe inſtructed in the principles of Navigation, and Pylotage, inſomuch as from hence their greateſt Navigators have had their education, and breeding.

3.

Encreaſe of Trade.

BY reaſon of thoſe multitude of Ships and Marriners they have extended their trade to all parts of the world, exporting for the moſt part in all

their voyages our herring, and other fish for the maintenance of the same. In exchange whereof they returne the severall commodities of other Countries.

From the Southern parts, as *France*, *Spaine*, and *Portugall* for our herrings they returne Oyles, Wines, Pruynes, Honey, Woolles &c. with store of coine *in specie*.

From the Straights, Velvets, Sattins, and all sorts of Silks, Allomes, Currans, Oyles, and all Grocerie ware, with

with much money.

From the Eaſt Countries for our herrings, and other French, and Italian commodities before returned, they bring home corne, Wax, Flax, hempe, Pitch, Tarre, Sope-aſhes, Iron, copper, Steele, clapboard, Wainſcot, Timber, Deale board, Dollers, and Hungarie Gilders.

From *Germanie* for herrings, and other ſalt fiſh, Iron, Steele, Glaſſe, Milſtones, Rheniſh wines, Button-plate for Armour, with other Munition,

Silkes, Velvets, Raſhes, Fuſtians, Baratees, and ſuch like Frankford commodities, with ſtore of Rix dollers.

From *Brabant* they returne for the moſt part ready money with ſome Tapeſtries, and Hullſhop. Yea ſome of our herring are carried as far as *Braſeile*.

And that which is more ſtrange & greatly to our ſhame, they have foure hundred ſhips with fiſh, which our men of *Yarmouth* within ken almoſt at land doe vent

vent our herrings amongſt us here in *England*; and make us pay for the fiſh taken upon our owne coaſt ready money, wherewith they ſtore their owne country.

4.

Encreaſe of Townes and Fortes.

BY this their large extent of trade they are become as it were citizens of the whole world, whereby they have ſo enlarged their Townes,

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that moſt of them within theſe foure hundred yeares are full as great againe as they were before; *Amſterdam*, *Leyden*, and *Midleburgh* having bin lately twice enlarged and their ſtreetes, and buildings ſo faire, and orderly ſet forth that for beauty, & ſtrength they may compare with any other in the world, upon which they beſtow infinite ſummes of money, all originally flowing from the bountie of the ſea, from whence by their labour and induſtry

duſtry they derive the beginning of all that wealth and greatneſſe, and particularly for the havens of the aforeſaid townes whereof ſome of them coſt 40. 50. or 100000l. Their fortifications alſo both for number, and ſtrength upon which they have beſtowed infinite ſums of money, may compare with any other whatſoever.

En-

5. Encreaſe of power abroad.

SUch being then the number of the ſhips, and Marriners, and ſo great their trade occaſioned principally by their fiſhing; they have not onely ſtrengthned, and fortified themſelves at home to repell all forraigne Invaſions, as lately in the warre betweene them, and *Spaine*, but have likewiſe ſtretched their power into the Eaſt, and Weſt Indies in

in many places where-of they are Lords of the ſea coaſts, and have likewiſe fortified upon the maine, where the Kings, and people are at their devotion. And more then this all neighbour Princes in their differences by reaſon of this their power at Sea, are glad to have them of their partie. So that next to the Engliſh they are now become the moſt redoubted Nation at Sea of any other whatſoever.

En-

7.

Encreaſe of publique revenew.

MOreover how mighty the publique revenew, and cuſtomes of that ſtate are increaſed by their fiſhing, may appeare in that above thirtie yeares ſince, over and above the cuſtomes of other Merchandiſe exciſes, Licences, Waftage, and Laſtage, there was payed to the State for cuſtome of herring and other ſalt fiſh above 300000 pound

pound in one yeare beſides the tenth fiſh, and Caske payed for waſtage, which cometh at the leaſt to as much more among the Hollanders onely, whereunto the tenth of other Nations being added it amounteth to a far greater ſumme.

Wee are likewiſe to know that great part of their fiſh is ſold in other Countries for ready money for which they commonly export of the fineſt gold, and ſilver, and coming home recoyne it of a baſer

baſer allay under their owne ſtampe, which is not a ſmall meanes to augment their publique treaſure.

7.

Encreaſe of private wealth.

AS touching their private wealth if wee conſider the abundant ſtore of herrings, and other fiſh by them taken, and the uſuall prices that they are ſold for, as alſo the multitude of tradeſmen and Artizans, that by reaſon of this their

their fiſhing are daily ſet on worke, wee muſt needs conclude that the gaine thereof made by private men muſt of neceſſity be exceeding great, as by obſerving the particulars following will plainly appeare.

During the wars betweene the King of *Spaine*, and the Hollanders before the laſt truce, *Dunkirke* by taking, ſpoiling, and burning the Buſſes of *Holland*, and ſetting great ranſome upon their fiſhermen, enforced them to compound

pound for great ſumms that they might fiſh quietly for one yeare, whereupon the next yeare after the fiſhermen agreed amongſt themſelves to pay a dollar upon every laſt of herrings, towards the maintenance of certaine ſhips of warre to waft and ſecure them in their fiſhing, by reaſon whereof there was a record kept of the ſeverall laſts of herrings taken that yeare, and it appeared thereby that in one halfe yeare there were taken 30000 laſts

lasts of herrings which at twelve pound *per* last amounteth to 3600000. and at 16. 20. 30 pound the last they are ordinarily sold, then transported into other Countries it cometh at least to 5000000 l. Wherunto if wee adde the herrings taken by other Nations together with the codd, Ling, Hake and the fish taken by the Hollanders and other our neighbours upon the Brittish Coasts all the year long the total will evidently arise to be above

bove 10000000 l.

The great trade of fiſhing imploying ſo many men, and Ships, at Sea muſt likewiſe neceſſarily maintaine as great a number of tradeſmen, and Artizans on land, as Spinners, and Hempwinders to cables, Cordage, Yarne-twine for netts, and lines, Weavers to make ſaile cloathes, cecive Packers, Tollers, Dreſſers, and Cowchers to ſort, and make the herring lawfull merchandize. Tanners to tanne their Sailes, and netts, Coopers

pers to make caſke, Block, and Bowle makers for ſhippes, keelemen, and Labourers for carrying, and removing their fiſh, Sawyers for plankes, carpenters, Shipwrights, Smithes, car-men, Boatemen, Brewers, bakers, and a number of others, whereof many are maimed perſons and unfit to be otherwiſe imployed. beſides the maintenance of all their ſeverall wives, and children and families. And further every man and maidſervant, or Orphant

phant having any poore ſtock, may venture the ſame in their fiſhing voyages which affords them ordinarily great increaſe, and is duly payed according to the proportion of their gaine

8.

Encreaſe of proviſion.

AND to conclude it is manifeſt that Holland only affording in it ſelfe ſome few hops, Maddors, butter and cheeſe, aboundeth notwithſtan

ſtanding(by reaſon of this Art of fiſhing) in plentifull manner with all kind of proviſions as well for life, as in corne, Beefe, Muttons, Hides, and Cloathes, as for luxurie in wines ſilkes, and ſpices, and for defence as in pitch, tarr, Cordage, timber. All which they have not only in competent proportion for their uſe, but are likewiſe able from their ſeverall Magazines to ſupply their neighbour countries.

The premiſes conſidered

ſidered it maketh much to the ignominie, and ſhame of our *Engliſh* Nation, that God and Nature offering us ſo great a treaſure even at our owne doores wee doe notwithſtanding neglect the benefit therof, and by paying money to ſtrangers for the fiſh of our owne Seas impoverish our ſelves to make them rich. Inſomuch that for want of induſtry, and care in this particular 225. fisher townes are decayed and reduced to

to extreame poverty whereas on the contrary by diligent endeavouring to make uſe of ſo great a bleſſing we might in ſhort time repaire theſe decaied townes of the Kingdome, and adde both honour, ſtrength, and riches to our King, and Country, which how eaſily it may be done will appeare by ſome few obſervations following.

By erecting two hundred and fifty Buſſes of reaſonable ſtrength, and bigneſſe there will

be imployment made for 1000 Ships, and for at leaſt 10000 fiſhermen, and Marriners at Sea, and conſequently for as many tradesmen, and labourers at land.

The herrings taken by the Buſſes will afford his Majeſty 200000 l. yearely cuſtome outward, and for commodities returned inward 300001. and above.

Wee have timber ſufficient, and at reaſonable rates growing in our owne Kingdome for the building of Buſſes,

Buſſes, every Shire affordeth hardy and able men fit for ſuch imployment who now live poorely, and idle at home.

Wee have victualls in great plenty ſold at eaſie rates without payment of exciſes, or Impoſt.

Our ſhores, and harbours are neare the places where the fiſh doe haunt.

For drinke, or nets, ſalting, and packing our fiſh, and for ſuccour in ſtreſſe of weather, wee may bring our fiſh to land, ſalt

and pack it, and from ſome parts of his Majeſties Dominions bee at our markets in *France*, *Spaine*, or *Italy* before the Hollanders can arrive in *Holland*.

Wee have meanes to tranſport our fiſh into ſome Northerne Countries where the Hollanders ſeldome or never come. And though wee had as many Buſſes as the Hollanders, yet is there vent for all, or more, for in the *Eaſt* and *Northerne* Countries and in many other places

ces, herrings are every daies meat, winter and ſummer as well to draw on drinke as to ſatisfie hunger, and in moſt places the greateſt part of the yeare they be ſcarce to be had, for preſently after *Michaelmas* the Sound and rivers are frozen up ſo as no herrings can be tranſported into twenty ſeverall Kingdomes, and free States untill *July* which is for thirtie weekes ſpace together, ſo that when Lent comes there are few to be bought for money. H3 Laſt-

Laſtly, ſince by care and induſtry wee gained from the *Flemmings*, doubtleſſe ſo by the meanes wee may as eaſily grow expert in the Art of Fiſhing, and in time make it a ſtaple commodity of our owne.

But this wee ſhall the better and ſooner doe, if wee conſider, and endeavour to reforme certain wants and abuſes which hitherto have hindred us from effecting that good, and great work, whereof theſe that follow

low are none of the leaſt.

1. Generall liberty of eating fleſh contrary to old cuſtome, and the Statute Lawes provided for obſerving Fiſh dayes, from whence our ſcarcitie and dearth of fiſh proceedeth; for where fleſh is ordinarily ſpent fiſh will not be bought, and want of ſale decayeth all trade, gaine being the nurſe of Induſtry.

2. Want of order and diſcretion in our fiſh-

ing, every man being left to himſelfe, and permitted to fiſh as beſt liketh him: whereas amongſt the *Hollanders* two of the beſt experienced Fiſhermen are appointed to guide the reſt of the fleete, all others being bound to follow them, and to caſt their lines according to their direction.

3. The *Hollanders* and other Nations ſet forth with their Buſſes in *June* to finde the ſhoale of fiſh, & having found it, dwell amongſt it till

till *November*, whereas we ſtay till the Herring come home to our roade ſteads, and ſometimes ſuffer them to paſſe by ere wee looke out, our Herring fiſhing containing onely ſeven weekes at the moſt, and theirs twentie.

4. The Hollanders Buſſes are great and ſtrong, and able to brooke foule weather, whereas our Cobles, Crayers and Boates being ſmall, and thinne ſided, are eaſily ſwallowed by a rough

Sea, not daring to adventure far in faire weather by reaſon of their weakneſſe for feare of ſtormes.

5. The *Hollanders* are induſtrious, and no ſooner are diſcharged of toding, but preſently put forth for more and ſeeke for Markets abroad as well as at home; wheras our *Engliſh* after they had bin once at Sea, doe commonly never returne againe untill all the money taken for their fiſh be ſpent, and they in debt ſeeking only to ſerve

ſerve the next Market.

6. The *Hollanders* have certaine Merchants who during the herring ſeaſon doe onely come to the places where the Buſſes arrive, and joyning together in ſeverall companies, doe preſently agree for the lading of 30. or 40. Buſſes at once, and ſo being diſcharged they may ſpeedily returne to their former ſhipping; whereas our fiſhermen are uncertaine of their chapmen, and forced

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to ſpend much time in putting off their fiſh by parcells.

Theſe and other defects would carefully be taken into conſideration, and certaine orders made to make our fiſhing proſperous, and and ſucceſſefull, eſpecially conſidering the carefull miſchiefes the neglect hereof hath brought to the King, and Kingdome in generall, and to many good townes, and Corporations in particular, as by authority even of Parliament it ſelfe in the Statute of

33. *Hen.* the eight, is plainly teſtified, which Ihave ſummarily here ſet downe to avoid the prolixitie of the originall.

Becauſe the Engliſh fiſher-men dwelling on the Sea coaſts did leave off their trade of fiſhing in our Seas and went the halfe Seas over, and there upon the Seas did buy fiſh of Pickards, Flemmings, Normans, and Zelanders, by reaſon whereof many incommodities did grow to the Realme, viz. the decay

decay of the wealth and prosperitie as well of the Cinque Ports, and Members of the same as of other coast townes by the Sea side, which were builded, and inhabited by great multitudes of people by reason of using and exercising the craft and feate of fishing. Secondly the decay of a great number of boats, and Ships. And thirdly the decay of many good Marriners both able in bodie by their diligence, labour, and con-

continuall exercise of fishing, and expert by reason thereof in the knowledge of the Sea-coasts, as well within this Realme as in other parts beyond the Seas. It was therefore enacted that no manner of persons *English*, *Denizens*, or strangers at that time,, or any time after dwelling in *England*, should buy any fish of any strangers in the said Ports of *Flanders*, *Zeland*, *Picardy*, *France*, or upon the Sea betweene shore and shore &c.

This

1. *Mar.* *Ca.* 14.

This act by many continuances was continued from Parliament to Parliament untill the firſt of Queene *Marie*, and from thence to the end of the next Parliament and then expired.

For concluſion ſeeing by that which hath formerly bin declared it evidently appeareth that the Kings of *England* by immemorable preſcription, continuall uſage, and poſſeſſion, the acknowledgment

ledgment of all our neighbour States and the municipall lawes of the Kingdome have ever held the Soveraigne Lordſhip of the Seas of *England*, and that unto his Majeſtie, by reaſon of his Soveraigntie the ſupreame command and Juriſdiction over the paſſage, and fiſhing in the ſame rightfully appertaineth, conſidering alſo the naturall ſcite of thoſe our Seas that interpoſe themſelves betweene the great *Northerne* commerce of

of that of the whole world, and that of the *Eaſt*, *Weſt*, and *Southerne* Clymates, and withall the infinite commodities that by fiſhing in the ſame is daily made. It cannot be doubted but his Majeſty by meanes of his owne excellent wiſdome, and vertue, and by the Induſtry of his faithfull Subjects and people may eaſily without Injuſtice to any Prince or perſon whatſoever be made the greateſt Monarch for Command and

and Wealth, and his people the moſt opulent and flourishing Nation of any other in the world. And this the rather, for that his Majeſty is now abſolute Commander of the Brittiſh Iſle, and hath alſo enlarged his Dominions over a great part of the Weſterne *Indies*; by meanes of which extent of Empire, (croſſing in a manner the whole Ocean) the trade, and perſons of all Nations (moving from one part

part of the World to the other) muſt of neceſſitie , firſt, or laſt , come within compaſſe of his power, and juriſdiction.

And therefore the Soveraignty of our Seas being the moſt precious Jewell of his Majeſties Crowne , and (next under God) the principall meanes of our Wealth and Safetie, all true Engliſh hearts and hands are bound by all poſſible meanes and di-

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ligence to preſerve and maintaine the ſame, even with the uttermoſt hazzard of their lives, their goods, and fortunes.

FINIS.